



BURST-3 CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS
Special Program Law Office

RECEIVED

OCT 29 1999

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

Applicants : Worthington et al.
Serial No. : 09/311,329
Filed : May 14, 1999
For : TRACKABLE OPTICAL DISCS WITH
CONCURRENTLY READABLE NONOPERATIONAL
FEATURES
Group Art Unit : 2753
Examiner : Not yet assigned

Palo Alto, CA
October 25, 1999

Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231
Box DAC
Attn.: Special Program Law Office

Petition Under 37 C.F.R. §§ 1.10(d) and 1.181
For Correction of Filing Date

Sir:

Applicants hereby petition to correct the filing date officially accorded the above-identified application under 37 C.F.R. § 1.10, 11 May 1999, to reflect the true date of deposit with the "Express Mail Post Office to Addressee" service of the USPS, 14 May 1999. As set forth below, the error arises from a discrepancy between the actual date of deposit and the "date-in" marked on the "Express Mail"

mailing label. Applicant encloses herewith the petition fee in the amount set forth in 37 C.F.R. 1.17(i).

Statement of the Facts

Applicants filed the above-referenced application under 37 C.F.R. § 1.10 on 14 May 1999 by deposit with the United States Postal Service's "Express Mail Post Office to Addressee" service under Express Mail label EL188598031US. The date of deposit is confirmed by the following evidence:

(1) The Express Mail Certification that appears on the first page of the application transmittal letter (attached hereto in its entirety as Exhibit A) identifies the date of deposit as 14 May 1999;

(2) The transmittal letter is itself dated 14 May 1999 (see page 3);

(3) The check submitted with the filing papers in fulfillment of filing fees (attached hereto as Exhibit B) is dated 14 May 1999;

(4) The return-addressed post card (attached hereto as Exhibit C) as submitted shows a filing date of 14 May 1999; and

(5) The "Express Mail Order Slip", as completed by the Fish & Neave Patent Department (attached hereto as Exhibit D), is dated 14 May 1999; the date and time of mailing by the Fish & Neave mail room staff is shown separately thereon as 4:57 p.m. 14 May 1999.

Notwithstanding the above, the U.S. Post Office completed the Express Mail label with a "Date in" of 11 May 1999 (attached hereto as Exhibit E). In accordance with 37 C.F.R. § 1.10, Applicants' application was accorded a filing date of 11 May 1999.

On 15 July 1999, after reviewing the filing receipt issued June 30, 1999 (attached hereto as Exhibit F), Applicants requested a corrected filing receipt, drawing attention in the request to the error in filing date (request attached hereto as Exhibit G).

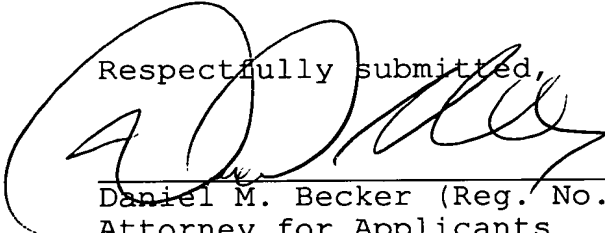
On or about 13 October 1999, Applicants' attorney of record received a telephone message from a PTO clerical employee stating that correction of filing date must be made by way of petition.

This petition follows.

Requested Relief

Applicants hereby petition for formal correction of the filing date from 11 May 1999, which is in error, to 14 May 1999.

Respectfully submitted,


Daniel M. Becker (Reg. No. 38,376)
Attorney for Applicants

25 OCT 1999

I hereby Certify that this
Correspondence is being
Deposited with the U.S.
Postal Service as First
Class Mail in an Envelope
Addressed to: ASSISTANT
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231, ON

10-25-99
LILY X. JIANG


Signature of Person Signing

FISH & NEAVE
1251 Avenue of the Americas
50th Floor
New York, NY 10020-1104
Tel.: (650) 617-4000 (California)

DAC #



REV. 11/98
For A Small Entity

BURST-3 CIP1

#5

Applicants : Worthington *et al.*
Serial No. : 09/311,329
Filed : May 14, 1999
For : TRACKABLE OPTICAL DISCS WITH CONCURRENTLY
READABLE NONOPERATIONAL FEATURES
Group Art Unit : 2753
Examiner : Not yet assigned

RECEIVED
OCT 29 1999
SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

Palo Alto, CA
October 25, 1999

Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231
Box DAC
Attn.: Special Program Law Office

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☒ Petition for Correction of Filing Date; ☐ a Preliminary Amendment; ☐ a Response to Examiner's Action; ☐ a Supplemental Amendment; ☐ a substitute Specification; ☐ a Declaration; ☐ a Supplemental Declaration; ☐ a Power of Attorney; ☐ an Associate Power of Attorney; ☐ formal drawings; to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	* =	X \$ 9 =	\$
INDEPENDENT CLAIMS	-	** =	X \$ 39 =	\$
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+ \$130 =	\$

* If less than 20, insert 20.

TOTAL \$

** If less than 3, insert 3.

☐ A check in the amount of \$ in payment of the filing fee is transmitted herewith.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

☐ Please charge \$ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

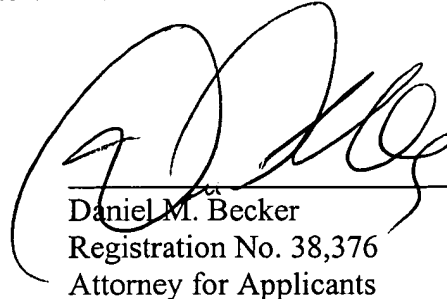
EXTENSION FEE

☐ The following extension is applicable to the Response filed herewith; ☐ \$55.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$190.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$435.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$680.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$925.00 extension fee for response within fifth month pursuant to 37 C.F.R. 1.136(a).

☐ A check in the amount of ☐ \$55.00; ☐ \$190.00; ☐ \$435.00; ☐ \$680.00; ☐ \$925.00; in payment of the extension fee is transmitted herewith.

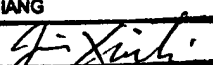
- ☒ [X] A check in the amount of \$130.00 in payment of the petition fee set forth in 37 C.F.R. 1.17(I) is transmitted herewith.
- ☒ [X] The Commissioner is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ [] Please charge the ☐ [] \$55.00; ☐ [] \$190.00; ☐ [] \$435.00; ☐ [] \$680.00; ☐ [] \$925.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

25 OCT 1999
Date


Daniel M. Becker
Registration No. 38,376
Attorney for Applicants

FISH & NEAVE
1251 Avenue of the Americas
New York, NY 10020-1104
Tel.: (650) 617-4000(CA)

I hereby Certify that this
Correspondence is being
Deposited with the U.S.
Postal Service as First
Class Mail in an Envelope
Addressed to: ASSISTANT
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231, ON

10-25-99
LEY X. JIANG

Signature of Person Signing

REV. 11/98
For Other Than A Small Entity

Attorney Docket No. BURST-3 CIP1



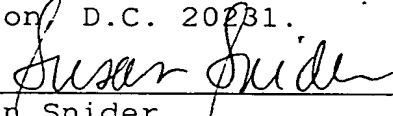
Applicants : Mark O. Worthington et al.
For : TRACKABLE OPTICAL DISCS WITH
CONCURRENTLY READABLE NONOPERATIONAL
FEATURES

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number EL188598031US

Date of Deposit May 14, 1999

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Hon. Assistant Commissioner for Patents, Washington, D.C. 20231.


Susan Snider

Hon. Assistant Commissioner
for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

TRANSMITTAL LETTER FOR UNEXECUTED
ORIGINAL PATENT APPLICATION

Sir:

Transmitted herewith for filing are the
[X] specification; [X] claims; [X] abstract; [X] unexecuted
declaration, for the above-identified patent application.

Also transmitted herewith are:

☒ 41 sheets of:

☐ Formal drawings.

☒ Informal drawings. Formal drawings will be filed during the pendency of this application.

☐ Certified copy(ies) of application(s)

(country)	(appln. no.)	(filed)
(country)	(appln. no.)	(filed)

from which priority is claimed.

☐ An assignment of the invention to _____

☐ A check in the amount of \$40.00 to cover the recording fee.

☐ Please charge \$40.00 to Deposit Account No. 06-1075 in payment of the recording fee. A duplicate copy of this transmittal letter is transmitted herewith.

The filing fee has been calculated as shown below:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE				\$ 760.00
TOTAL CLAIMS	161	- 20 = 141	X \$18 =	\$2538.00
INDEPENDENT CLAIMS	5	- 3 = 2	X \$78 =	\$ 156.00
[X] MULTIPLE DEPENDENT CLAIMS				+ \$260 = \$ 260.00
TOTAL				<u>\$3714.00</u>

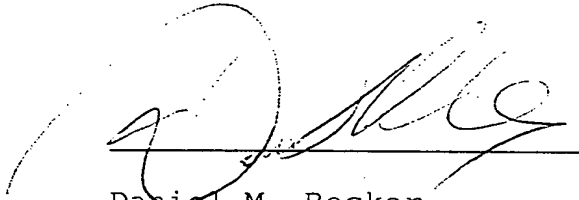
[X] A check in the amount of \$3714.00 in payment of the filing fee is transmitted herewith.

[] This application is being filed unaccompanied by a filing fee. The appropriate filing fee will be paid in response to a Notice to File Missing Parts, pursuant to 37 C.F.R. § 1.53(d).

[X] The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[] Please charge \$_____ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

MAY 14, 1999
Date



Daniel M. Becker
Registration No. 38,376
Attorney for Applicants

FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (650) 617-4000



EL188598031US


4436

FISH & NEAVE
525 UNIVERSITY AVE.
PALO ALTO, CA 94301

90-7118/396
3211

DATE May 14, 1999

PAY TO THE ORDER OF Commissioner of Patents \$ 3,714.00

Three Thousand Seven Hundred Fourteen and 00/100 DOLLARS 

CITIBANK
CITIBANK, F.S.B.
ONE SANSONE STREET 24TH FLOOR
SAN FRANCISCO, CA 94104
THE CITIBANK PRIVATE BANK

FOR 00520.003

⑈004436⑈ ⑆321171184⑆ 200018018⑈

MP



EL188598031US Mark O. Worthington et al. BURST-3 CIP1
APPLICANT

TITLE: TRACKABLE OPTICAL DISCS WITH CONCURRENTLY
READABLE NONOPERATIONAL FEATURES

PAGES OF APPLICATION 124

NUMBER OF CLAIMS 92 SHEETS OF DRAWING 41

DECLARATION: ☐ EXECUTED ☒ UNEXECUTED

CHECK IN THE AMOUNT OF \$3714

ASSIGNMENT & CHECK IN THE AMOUNT OF _____

Receipt is hereby acknowledged of the above
May 14, 1999

COMMISSIONER OF PATENTS
AND TRADEMARKS

EL188598031US



Express Mail Order Slip

To Be Completed By Pat. Dept.:

Date: 5.14.99

Express Mail
Label No.: EL188598031 US

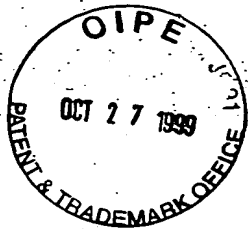
Docket No.: BURST-3 CIP1

Application
No.: 00520.003

To Be Completed By Mailroom Clerk at Post Office:

Date and
Time of Mailing: 4:57 5.14.99

Place of Mailing
(e.g., "FDR Post Office"),
Including Time of Last
Pick-up If
Street Box: _____



EL188598031US



EL188598031US

POST OFFICE TO ADDRESSEE

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 94301	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 5/11/99 Mo. Day Year	<input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM	Postage \$ 15.75
Time In 1700 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 1.06 lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials [Signature]	Total Postage & Fees \$ 15.75

SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND LIMITS
ON INSURANCE COVERAGECustomer Copy
Label 11-F July 1997

CUSTOMER USE ONLY

METHOD OF PAYMENT: Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
Federal Agency Acct. No. or Postal Service Acct. No.	NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday Customer Signature

FROM: (PLEASE PRINT) PHONE (650) 617.4000
FISH & NEAVE
525 UNIVERSITY AVE STE 300
PALO ALTO CA 94301-1917
Daniel M. Becker
BURST-3 CIP1

TO: (PLEASE PRINT) PHONE
Hon. Assistant Commissioner
for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

PRESS HARD.

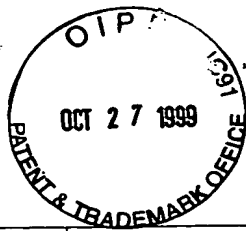
You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.gov



FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/311,329	05/11/99	2753	\$3,714.00	BRUST-3-CIP1	41	161	5

DANIEL M BECKER
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK NY 10020-1104

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) MARK O. WORTHINGTON, TUSTIN, CA; JORMA VIRTANEN, IRVINE, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-
THIS APPLN IS A CIP OF 09/183,842 10/30/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 06/30/99
TITLE
TRACKABLE OPTICAL DISCS WITH CONCURRENTLY READABLE NONOPERATIONAL FEATURES

PRELIMINARY CLASS: 369

RECEIVED

ORIGINAL COPY
SENT TO
CALIFORNIA
BY CJS

FISH & NEAVE - PATENT DEPT.
REFERRED TO DMB
NOTED BY _____

DATA ENTRY BY: WILLIAMS, EVERETT, TEAM: 01 DATE: 06/30/99

(See reverse for new important information)



BURST-3 CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark O. Worthington et al.
Serial No. : 09/311,329
Filed : May 14, 1999
For : TRACKABLE OPTICAL DISCS WITH CONCURRENTLY
READABLE NONOPERATIONAL FEATURES
Group Art Unit : 2753

Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231

Attention: Application Processing Division's
Customer Correction Branch

REQUEST FOR ISSUANCE OF CORRECTED FILING RECEIPT

Sir:

This is a request for issuance of a corrected Filing Receipt for the above-identified patent application. The filing receipt (copy enclosed) lists the attorney docket number as "BRUST-3-CIP1." That is incorrect.

The correct attorney docket number is "BURST-3-CIP1" as shown on the first page of the filed application (a copy of which is enclosed).

The Filing Receipt also lists the filing date as May 11, 1999. This is incorrect. The correct filing date is May 14, 1999 as shown on the Express Mail Certification on the Transmittal Letter and the Express Mail Order Slip filled out by the Fish & Neave Patent Department and the Mailroom personnel, copies of which are enclosed. The Post Office erred in filling out the Express Mail receipt, writing May 11, 1999 rather than May 14, 1999. A copy of the Express Mail receipt is also enclosed.

Accordingly, applicant respectfully requests that the Patent and Trademark Office issue a corrected Filing Receipt reflecting the correct attorney docket number and application filing date.

The Commissioner is hereby authorized to charge any fees required in connection with this Request to Deposit Account

No. 06-1075. A duplicate copy of this Request is enclosed
herewith.

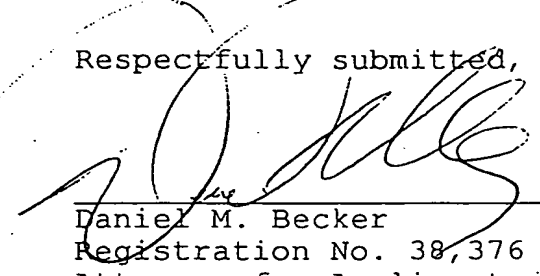
14 JULY 1999
Date

I hereby Certify that this
Correspondence is being
Deposited with the U.S. Postal
Service as First Class Mail in an
Envelope Addressed to:
ASSISTANT COMMISSIONER
FOR PATENTS WASHINGTON,
D.C. 20231, ON

7.15.99
SUSAN B. SNIDER

Susan Snider
Signature of Person Signing

Respectfully submitted,


Daniel M. Becker
Registration No. 38,376
Attorney for Applicants

FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020
Tel.: (650) 617-4000